

KAYE SCHOLER LLP

Michael J. Malecek (State Bar No. 171034)  
 michael.malecek@kayescholer.com  
 Peter E. Root (State Bar No. 142348)  
 peter.root@kayescholer.com  
 Stephen C. Holmes (State Bar No. 200727)  
 stephen.holmes@kayescholer.com  
**KAYE SCHOLER LLP**  
 Two Palo Alto Square Suite 400  
 3000 El Camino Real  
 Palo Alto, CA 94306  
 Telephone: (650) 319-4500  
 Facsimile: (650) 319-4700

Attorneys for Defendant  
 SEQUENOM, INC.

**SUGHRUE MION, PLLC**  
 John B. Scherling (SBN. 122234)  
 jscherling@sughrue.com  
 Antony M. Novom (SBN 207043)  
 anovom@sughrue.com  
 4250 Executive Square, Suite 900  
 La Jolla, CA 92037  
 Telephone: (858) 795-1180  
 Facsimile: (858) 795-1199

Attorneys for Nominal Defendant  
 ISIS INNOVATION LIMITED

**IRELL & MANELLA LLP**  
 David I. Gindler (State Bar No. 117824)  
 dgindler@irell.com  
 Andrei Iancu (State Bar No. 184973)  
 aiancu@irell.com  
 Amir Naini (State Bar No. 226627)  
 anaini@irell.com  
 1800 Avenue of the Stars, Suite 900  
 Los Angeles, California 90067-4276  
 Palo Alto, CA 94306  
 Telephone: (310) 277-1010  
 Facsimile: (310) 203-7199

Attorneys for Defendant  
 ARIA DIAGNOSTICS, INC.

**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

SEQUENOM, INC

Plaintiff,

v.

ARIA DIAGNOSTICS, INC.,

Defendant,

and

ISIS INNOVATION LIMITED

Nominal Defendant,

Case No. 3:12-cv-0189-BEN-BGS

**JOINT MOTION FOR DISMISSAL  
 WITHOUT PREJUDICE PURSUANT TO  
 FED. R. CIV. P. 41(a)(1)(A)(ii)  
 [L.R. 7.2]**

Hon. Roger T. Benitez

**TO THE COURT AND ALL PARTIES OF RECORD:**

WHEREAS, on January 24, 2012, Plaintiff Sequenom, Inc. ("Sequenom") filed a complaint in the above entitled action against Defendants Aria Diagnostics, Inc. and Nominal Defendant Isis Innovation Limited ("Defendants");

WHEREAS on February 28, 2012, Defendants answered Plaintiff's complaint;

WHEREAS all parties have agreed to the dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) without prejudice, with all parties to bear their own fees and costs;

**Therefore, the parties request that this action be dismissed without prejudice.**

Respectfully submitted,

Dated: March 14, 2012

KAYE SCHOLER LLP

By: s/ Michael J. Malecek  
Michael J. Malecek  
Attorneys for Plaintiff  
SEQUENOM, INC.

Dated: March 14, 2012

IRELL & MANELLA LLP

By: s/ David I. Gindler  
David I. Gindler  
Attorneys for Defendant  
ARIA DIAGNOSTICS, INC.

Dated: March 14, 2012

SUGHRUE MION, PLLC

By: s/ John B. Scherling  
John B. Scherling  
Attorneys for Nominal Defendant  
ISIS INNOVATION LIMITED

**ATTESTATION CLAUSE**

I, Michael J. Malecek, hereby attest in accordance with Electronic Case Filing Administrative Policies and Procedures, Section 2f4 that David I. Gindler, counsel for Aria Diagnostics, Inc. and John B. Scherling, counsel for Isis Innovation Limited, have provided their concurrence with the electronic filing of the foregoing document entitled Joint Motion For Dismissal Without Prejudice Pursuant To Fed. R. Civ. P. 41(a)(1)(A)(ii) [L.R. 7.2].

Dated: March 14, 2012

By: s/ Michael J. Malecek  
Michael J. Malecek

KAYE SCHOLER LLP

**CERTIFICATE OF SERVICE**

I, Michael J. Malecek, hereby certify that on March 14, 2012, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

s/ Michael J. Malecek  
Michael J. Malecek

KAYE SCHOLER LLP